

**Congress of the United States**  
**Washington, DC 20515**

May 6, 2005

The Honorable Margaret Spellings  
Secretary of Education  
Department of Education  
400 Maryland Ave., SW  
Washington, DC 20202

Dear Secretary Spellings,

We write to express our deep concern over the Department of Education's new policy guidance on Title IX -- "Additional Clarification of Intercollegiate Athletics Policy: Three-Part Test—Part Three." For over thirty years, Title IX has opened doors by giving women and girls an equal opportunity to participate in student sports, and we are troubled that the Department's proposal will unfairly reduce their opportunities for participation in the future.

Under the Department's new guidance, schools that provide fewer sports opportunities to women can be considered to have accommodated female students and complied with Title IX, based solely on the results of a student survey. If female students do not reply to a survey emailed to them, the Department will assume that they are not interested in additional sports activities.

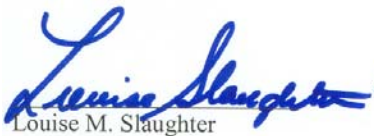
We strongly doubt that a survey alone can reliably measure students' interest in sports. Many students may not respond to, or even open, email surveys.

The new guidance also does not require colleges to weigh other factors they have traditionally had to consider, such as coaches' and administrators' opinions, or women's athletic participation at nearby high schools or in recreational leagues, even though these factors are important guides to female student's interest and potential. These methods are more accurate measures of the demand for sports among girls and women.

By contrast, in answering a survey, students who have been denied equal opportunity in sports may express only tentative interest in sports or confidence in their skills. Such surveys may actually do little more than reflect the current denial of equal opportunity, rather than the student's true interest and potential. Such surveys are unconvincing and would provide colleges an easy means of evading Title IX's goal of equal opportunity.

We urge you to rescind the new policy guidance. Title IX has been an extraordinary success in opening up new worlds of participation in sports by young women and girls, and it would be a serious mistake to roll back that progress. Thank you for your consideration.

Sincerely,

  
Louise M. Slaughter  
Member of Congress

  
Nancy Johnson  
Member of Congress

  
Hilda L. Solis  
Member of Congress


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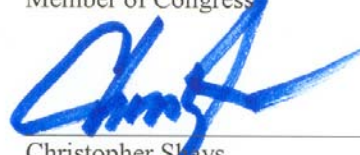
Lois Capps  
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Shelley Moore Capito  
Member of Congress



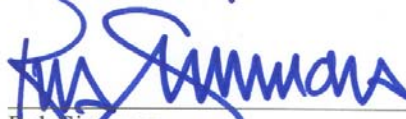
Carolyn McCarthy  
Member of Congress



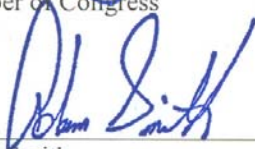
Christopher Shays  
Member of Congress



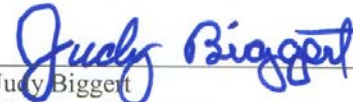
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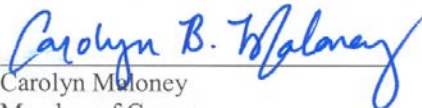
Rob Simmons  
Member of Congress



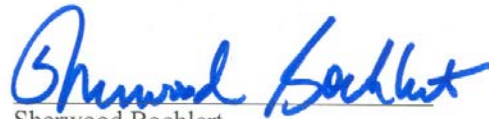
Adam Smith  
Member of Congress



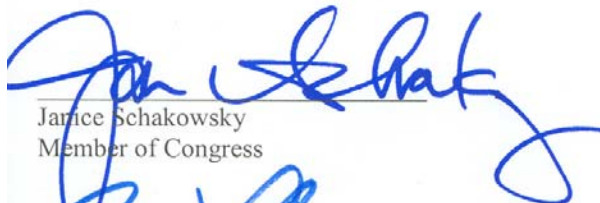
Judy Biggert  
Member of Congress



Carolyn Maloney  
Member of Congress



Sherwood Boehlert  
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Janice Schakowsky  
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Zoe Lofgren  
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Bob Filner  
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